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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ADRIAN MONGELI, Individually, And  
On Behalf Of All Others Similarly  
Situated,

Plaintiff,

vs.

TERAYON COMMUNICATIONS  
SYSTEMS, INC., ZAKI RAKIB, JERRY  
D. CHASE, MARK A. RICHMAN,  
EDWARD LOPEZ, RAY FRITZ, CAROL  
LUSTENADER, MATTHEW MILLER,  
SHLOMO RAKIB, DOUG SABELLA,  
CHRISTOPHER SCHAEPE, MARK  
SLAVEN, LEWIS SOLOMON,  
HOWARD W. SPEAKS, ARTHUR T.  
TAYLOR, DAVID WOODROW, and  
ERNST & YOUNG LLP,

Defendants.

Case No. 3-06-CV-03936 MJJ

**CLASS ACTION**

**DEFENDANT ERNST & YOUNG LLP'S  
REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF ITS MOTION TO DISMISS**

Hearing Date: June 26, 2007

Time: 9:30 a.m.

Dept.: Courtroom 11

Judge: Hon. Martin J. Jenkins

Action Filed: June 23, 2006

1 Defendant Ernst & Young LLP (“Ernst & Young”) respectfully requests, pursuant to  
2 Federal Rule of Evidence 201, that the Court take judicial notice of certain documents in the  
3 public record and information regarding the stock price of Terayon Communication Systems, Inc.  
4 (“Terayon”) on certain dates.

5 In a securities litigation, a district court may take judicial notice of facts or documents  
6 within the public record, such as Securities and Exchange Commission (“SEC”) filings and  
7 historical stock prices. *Dreiling v. American Express Co.*, 458 F.3d 942, 946 n.2 (9th Cir. 2006)  
8 (courts “may consider documents referred to in the complaint or any matter subject to judicial  
9 notice, such as SEC filings”); *In re Copper Mountain Secs. Litig.*, 311 F. Supp. 2d 857, 863-64  
10 (N.D. Cal. 2004) (“Information about the stock price of publicly traded companies is the proper  
11 subject of judicial notice.”).

12 Pursuant to these authorities, Ernst & Young requests that the Court take judicial notice of  
13 the following documents:

14 1. Exhibit A to the Declaration of Sheila A. Jambekar in Support of Defendant Ernst  
15 & Young LLP’s Motion to Dismiss and Request for Judicial Notice (“Jambekar Declaration”),  
16 which is a true and correct copy of the cover page, table of contents, and pages 35 through 73 of  
17 Terayon’s 10-K for the year ending December 31, 2001, as retrieved from LIVEDGAR through  
18 the website [www.gsionline.com](http://www.gsionline.com).

19 2. Exhibit B to the Jambekar Declaration, which is a true and correct copy of the  
20 cover page, table of contents, and pages 54 through 103 of Terayon’s 10-K for the year ending  
21 December 31, 2002, as retrieved from LIVEDGAR through the website [www.gsionline.com](http://www.gsionline.com).

22 3. Exhibit C to the Jambekar Declaration, which is a true and correct copy of the  
23 cover page, index, and pages 53 through 89 of Terayon’s 10-K for the year ending December 31,  
24 2003, as retrieved from LIVEDGAR through the website [www.gsionline.com](http://www.gsionline.com).

25 4. Exhibit D to the Jambekar Declaration, which is a true and correct copy of the  
26 cover page, index, and pages 56 through 92 of Terayon’s 10-K for the year ending December 31,  
27 2004, as retrieved from LIVEDGAR through the website [www.gsionline.com](http://www.gsionline.com).

28 5. Exhibit E to the Jambekar Declaration, which is a true and correct copy of the

1 cover page, index, and pages 48 and 49 of Terayon's 10-K for the year ending December 31,  
2 2005, as retrieved from LIVEDGAR through the website www.gsionline.com.

3 Ernst & Young further requests that the Court take judicial notice of information  
4 regarding the stock market price of Terayon Communication Systems, Inc., a publicly-traded  
5 company, from the time period from June 1, 2001 to March 31, 2006, inclusive, as shown in  
6 Exhibit F to the Jambekar Declaration.

7  
8 Dated: March 23, 2007

MORGAN, LEWIS & BOCKIUS LLP

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10 By                     /S/                      
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12 Attorneys for Defendant  
13 ERNST & YOUNG LLP  
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